

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA *for*  
FILED *Roanoke*

JUL 12 2005

JOHN F. CORCORAN, CLERK  
BY: *Sam. [Signature]*  
DEPUTY CLERK

CHARLES FLETCHER, # 307692,

Plaintiff,

v.

WARDEN D. BRAXTON, et al.,

Defendants.

Civil Action No. 7:04cv00374

FINAL ORDER

By: Jackson L. Kiser

Senior U.S. District Judge

In accordance with the Memorandum Opinion entered this day it, is hereby

**ADJUDGED AND ORDERED**

that:

- 1) plaintiff's claims brought pursuant to the Eighth and Fourteenth Amendments are hereby **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A(b)(1);
- 2) defendants' motion for summary judgment, Document No. 17, is hereby **GRANTED** as to plaintiff's remaining § 1983 claims;
- 3) This case will be **STRICKEN** from the active docket of the court.

Plaintiff is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Civil Procedure by filing a notice of appeal with this court within thirty (30) days of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5) or 4(a)(6).

The Clerk of the Court is directed to send certified copies of this Order and accompanying Memorandum Opinion to plaintiff and counsel of record for the defendants.

ENTER: This 12<sup>th</sup> day of July, 2005.

*Jackson L. Kiser*  
Senior U.S. District Judge